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*Admitted only in Maryland
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•Practice Limited to
Federal Agencies

June 10, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1653

Re: U.S. Utility Patent Application
Application No. 10/612,410; Filed: July 3, 2003
For: **Methods and Compositions for the Production, Identification and Purification of Fusion Proteins**
Inventor: Robert P. Bennett
Our Ref: 0942.5510003/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Listing of the cited documents on Form PTO-1449 (21 sheets);
3. Copies of the cited documents (except AA1-AB3); and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham

Frank R. Cottingham
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FRC/shr
Encls.

SKGF_272260.1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert P. Bennett

Appl. No.: 10/612,410

Filed: July 3, 2003

**For: Methods and Compositions for the
Production, Identification and
Purification of Fusion Proteins**

Confirmation No.: 3567

Art Unit: 1653

Examiner: *To be assigned*

Atty. Docket: 0942.5510003/RWE/FRC

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§1.56, 1.97 and 1.98.

A copy of documents **AA1** to **AB3** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of August 5, 2003, which states "[t]he Office hereby waives the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication filed after June 30, 2003." Copies of all other cited documents are provided.

The Examiner is referred to the following list of related, co-pending patent applications:

U.S. Patent Application No. 09/732,914, filed December 11, 2000, inventors Cheo *et al.*, Pub. No. 2002/0007051 A1, listed herewith as Document **AK2**;

U.S. Patent Application No. 10/005,876, filed December 7, 2001, inventors Chesnut *et al.*, Pub. No. 2003/0186233 A1, listed herewith as Document **AB3**;

U.S. Patent Application No. 09/438,358, filed November 12, 1999, inventors Gerard *et al.*, submitted herewith as Document **AR21**;

U.S. Patent Application No. 09/517,466, filed March 2, 2000, inventors Hartley *et al.*, submitted herewith as Document **AS21**;

U.S. Patent Application No. 09/695,065, filed October 25, 2000, inventors Brasch *et al.*, submitted herewith as Document **AT21**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

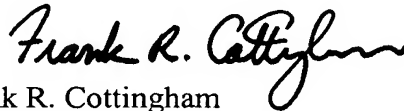
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

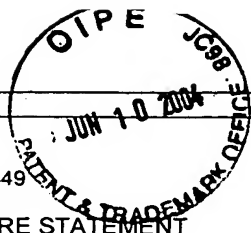
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicant
Registration No. 50,437

Date: June 10, 2004

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
0942.5510003/RWE/FRCAPPLICATION NO.
10/612,410FIRST NAMED INVENTOR
Robert P. BennettFILING DATE
July 3, 2003ART UNIT
1653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	4,889,818	12/26/1989	Gelfand <i>et al.</i>			06/17/1987
	AB1	4,965,188	10/23/1990	Mullis <i>et al.</i>			06/17/1987
	AC1	5,047,342	09/10/1991	Chatterjee			08/10/1989
	AD1	5,079,352	01/07/1992	Gelfand <i>et al.</i>			05/15/1990
	AE1	5,244,797	09/14/1993	Kotewicz <i>et al.</i>			03/18/1991
	AF1	5,252,466	10/12/1993	Cronan, Jr.			05/18/1990
	AG1	5,270,179	12/14/1993	Chatterjee			01/28/1992
	AH1	5,374,553	12/20/1994	Gelfand <i>et al.</i>			08/13/1990
	AI1	5,436,149	07/25/1995	Barnes			02/19/1993
	AJ1	5,512,462	04/30/1996	Cheng			02/25/1994
	AK1	5,614,365	03/25/1997	Tabor <i>et al.</i>			11/10/1994

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 92/06188 A2	04/16/1992	WIPO			Yes No
	AM1	WO 92/06200 A1	04/16/1992	WIPO			Yes No
	AN1	WO 96/10640 A1	04/11/1996	WIPO			Yes No
	AO1	WO 96/19497 A1	06/27/1996	WIPO			Yes No
	AP1	WO 97/09451 A1	03/13/1997	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Airenne, K.J., <i>et al.</i> , "Avidin Is a Promising Tag for Fusion Proteins Produced in Baculovirus-Infected Insect Cells," <i>Protein Expr. Purif.</i> 17:139-145, Academic Press (1999)
AS	1	Andersen, A.H., <i>et al.</i> , "Studies of Topoisomerase II-mediated Cleavage and Religation Reactions by Use of a Suicidal Double-stranded DNA Substrate," <i>J. Biol. Chem.</i> 266:9203-9210, The American Society for Biochemistry and Molecular Biology, Inc. (1991)
AT	1	Andersson, S., <i>et al.</i> , "Cloning, Structure, and Expression of the Mitochondrial Cytochrome P-450 Sterol 26-Hydroxylase, a Bile Acid Biosynthetic Enzyme," <i>J. Biol. Chem.</i> 264:8222-8229, The American Society for Biochemistry and Molecular Biology, Inc. (1989)

EXAMINER

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0942.5510003/RWE/FRC	APPLICATION NO. 10/612,410
	FIRST NAMED INVENTOR Robert P. Bennett	
	FILING DATE July 3, 2003	ART UNIT 1653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	5,766,891	06/16/1998	Shuman			12/19/1994
	AB2	5,789,156	08/04/1998	Bujard <i>et al.</i>			02/03/1995
	AC2	5,811,252	09/22/1998	Verheijen			07/06/1995
	AD2	5,851,808	12/22/1998	Elledge <i>et al.</i>			02/28/1997
	AE2	5,888,732	03/30/1999	Hartley <i>et al.</i>			06/07/1996
	AF2	6,143,557	11/07/2000	Hartley <i>et al.</i>			01/20/1999
	AG2	6,171,861 B1	01/09/2001	Hartley <i>et al.</i>			01/12/1998
	AH2	6,270,969 B1	08/07/2001	Hartley <i>et al.</i>			01/20/1999
	AI2	6,277,608 B1	08/21/2001	Hartley <i>et al.</i>			04/22/1999
	AJ2	6,277,620 B1	08/21/2001	Gwynn <i>et al.</i>			04/26/1999
	AK2	2002/0007051 A1	01/17/2002	Cheo <i>et al.</i>			12/11/2000

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 98/47912 A1	10/29/1998	WIPO			Yes No
	AM2	WO 98/56943 A1	12/17/1998	WIPO			Yes No
	AN2	WO 00/52027 A1	09/08/2000	WIPO			Yes No
	AO2	WO 04/005482 A2	01/15/2004	WIPO			Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>2</u>	Astatke, M., <i>et al.</i> , "How E. coli DNA Polymerase I (Klenow fragment) Distinguishes between Deoxy- and Dideoxynucleotides," <i>J. Mol. Biol.</i> 278:147-165, Academic Press, Ltd. (1998)
AS	<u>2</u>	Barnes, W.M., "The fidelity of <i>Taq</i> polymerase catalyzing PCR is improved by an N-terminal deletion," <i>Gene</i> 112:29-35, Elsevier Science Publishers B.V. (1992)
AT	<u>2</u>	Berger, J.M., <i>et al.</i> , "Structure of DNA topoisomerases," <i>Biochim. Biophys. Acta</i> 1400:3-18, Elsevier Science B.V. (1998)

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	0942.5510003/RWE/FRC	10/612,410
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	Robert P. Bennett	
	FILING DATE	ART UNIT
	July 3, 2003	1653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	6,410,317 B1	06/25/2002	Farmer			07/14/2000
	AB3	2003/0186233 A1	10/02/2003	Chesnut <i>et al.</i>			12/07/2001
	AC						
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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Boshart, M., <i>et al.</i> , "A Very Strong Enhancer Is Located Upstream of an Immediate Early Gene of Human Cytomegalovirus," <i>Cell</i> 41:521-530, The MIT Press (1985)
	AS	<u>3</u>	Brutlag, D.L., <i>et al.</i> , "Improved sensitivity of biological sequence database searches," <i>Comput. Appl. Biosci.</i> 6:237-245, Oxford University Press (1990)
	AT	<u>3</u>	Caron, P.R., and Wang, J.C., "Appendix II: Alignment of Primary Sequences of DNA Topoisomerases," <i>Adv. Pharmacol.</i> 29B:271-297, Academic Press, Inc. (1994)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>4</u>	Chapman-Smith, A., and Cronan, Jr., J.E., "Molecular Biology of Biotin Attachment to Proteins," <i>J. Nutr.</i> 129:477S-484S, American Society for Nutritional Sciences (1999)
	AS	<u>4</u>	Cheng, C., <i>et al.</i> , "Conservation of Structure and Mechanism between Eukaryotic Topoisomerase I and Site-Specific Recombinases," <i>Cell</i> 92:841-850, Cell Press (1998)
	AT	<u>4</u>	Cheng, C., and Shuman, S., "Recombinogenic Flap Ligation Pathway for Intrinsic Repair of Topoisomerase 1B-Induced Double-Strand Breaks," <i>Mol. Cell. Biol.</i> 20:8059-8068, American Society for Microbiology (2000)

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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Cronan, Jr., J.E., "Biotination of Proteins <i>in Vivo</i> ," <i>J. Biol. Chem.</i> 265:10327-10333, The American Society for Biochemistry and Molecular Biology, Inc. (1990)
	AS	<u>5</u>	Digate, R.J., and Marians, K.J., "Molecular Cloning and DNA Sequence Analysis of <i>Escherichia coli topB</i> , the Gene Encoding Topoisomerase III," <i>J. Biol. Chem.</i> 264:17924-17930, The American Society for Biochemistry and Molecular Biology, Inc. (1989)
	AT	<u>5</u>	Dubendorff, J.W., and Studier, F.W., "Controlling Basal Expression in an Inducible T7 Expression System by Blocking the Target T7 Promoter with <i>lac</i> Repressor," <i>J. Mol. Biol.</i> 219:45-59, Academic Press, Ltd. (1991)

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	AL						Yes No
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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>6</u>	Einhauer, A., and Jungbauer, A., "The FLAG™ peptide, a versatile fusion tag for the purification of recombinant proteins," <i>J. Biochem. Biophys. Methods</i> 49:455-465, Elsevier Science B.V. (October 2001)
AS	<u>6</u>	Flaman, J-M., <i>et al.</i> , "A rapid PCR fidelity assay," <i>Nucl. Acids Res.</i> 22:3259-3260, Oxford University Press (1994)
AT	<u>6</u>	Gatz, C., <i>et al.</i> , "Stringent repression and homogenous de-repression by tetracycline of a modified CaMV 35S promoter in intact transgenic tobacco plants," <i>Plant J.</i> 2:397-404, Blackwell Scientific Publishers (1992)

EXAMINER	DATE CONSIDERED
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	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>7</u>	Gerard, G.F., <i>et al.</i> , "cDNA Synthesis by Moloney Murine Leukemia Virus RNase H-Minus Reverse Transcriptase Possessing Full DNA Polymerase Activity," <i>Focus</i> 14:91-93, Life Technologies, Inc. (1992)
	AS	<u>7</u>	Green, N.M., "Avidin and Streptavidin," <i>Methods Enzymol.</i> 184:51-67, Academic Press, Inc. (1990)
	AT	<u>7</u>	Grunden, A.M., <i>et al.</i> , "An Analysis of the Binding of Repressor Protein ModE to <i>modABCD</i> (Molybdate Transport) Operator/Promoter DNA of <i>Escherichia coli</i> ," <i>J. Biol. Chem.</i> 274:24308-24315, The American Society for Biochemistry and Molecular Biology, Inc. (1999)

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AR	<u>8</u>	Gupta, M., <i>et al.</i> , "Eukaryotic DNA topoisomerases I," <i>Biochim. Biophys. Acta</i> 1262:1-14, Elsevier Science B.V. (1995)
AS	<u>8</u>	Hanai, R., <i>et al.</i> , "Human TOP3: A single-copy gene encoding DNA topoisomerase III," <i>Proc. Natl. Acad. Sci. USA</i> 93:3653-3657, National Academy Press (1996)
AT	<u>8</u>	Hartley, J.L., <i>et al.</i> , "DNA Cloning Using In Vitro Site-Specific Recombination," <i>Genome Res.</i> 10:1788-1795, Cold Spring Harbor Laboratory Press (2000)

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AR	<u>9</u>	Jank, M.M., <i>et al.</i> , "Expression and Biotinylation of a Mutant of the Transcarboxylase Carrier Protein from <i>Propioni shermanii</i> ," <i>Protein Expr. Purif.</i> 17:123-127, Academic Press (1999)
AS	<u>9</u>	Kim, R.A., and Wang, J.C., "Identification of the Yeast <i>TOP3</i> Gene Product as a Single Strand-specific DNA Topoisomerase," <i>J. Biol. Chem.</i> 267:17178-17185, The American Society for Biochemistry and Molecular Biology, Inc. (1992)
AT	<u>9</u>	Kotewicz, M.L., <i>et al.</i> , "Isolation of cloned Moloney murine leukemia virus reverse transcriptase lacking ribonuclease H activity," <i>Nucl. Acids Res.</i> 16:265-277, IRL Press, Ltd. (1988)

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	FIRST NAMED INVENTOR Robert P. Bennett	
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AR	<u>10</u>	Landy, A., "Mechanistic and structural complexity in the site-specific recombination pathways of Int and FLP," <i>Curr. Opin. Genet. Dev.</i> 3:699-707, Current Biology, Ltd. (1993)
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AT	<u>10</u>	Li, Z., <i>et al.</i> , "The <i>traE</i> Gene of Plasmid RP4 Encodes a Homologue of <i>Escherichia coli</i> DNA Topoisomerase III," <i>J. Biol. Chem.</i> 272:19582-19587, The American Society for Biochemistry and Molecular Biology, Inc. (1997)

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AR	<u>11</u>	Manstein, D.J., <i>et al.</i> , "Cloning vectors for the production of proteins in <i>Dictyostelium discoideum</i> ," <i>Gene</i> 162:129-134, Elsevier Science B.V. (1995)
AS	<u>11</u>	Mills, A.A., "Changing colors in mice: an inducible system that delivers," <i>Genes Dev.</i> 15:1461-1467, Cold Spring Harbor Laboratory Press (June 2001)
AT	<u>11</u>	Murray, P.J., <i>et al.</i> , "Epitope Tagging of the Human Endoplasmic Reticulum HSP70 Protein, BiP, to Facilitate Analysis of BiP - Substrate Interactions," <i>Anal. Biochem.</i> 229:170-179, Academic Press, Inc. (1995)

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AR	<u>12</u>	Murtif, V.L., <i>et al.</i> , "Cloning and expression of the 1.3S biotin-containing subunit of transcarboxylase," <i>Proc. Natl. Acad. Sci. USA</i> 82:5617-5621, National Academy Press (1985)
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AT	<u>12</u>	Parrott, M.B., and Barry, M.A., "Metabolic Biotinylation of Recombinant Proteins in Mammalian Cells and in Mice," <i>Mol. Ther.</i> 1:96-104, The American Society of Gene Therapy (2000)

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AR	<u>13</u>	Parrott, M.B., and Barry, M.A., "Metabolic Biotinylation of Secreted and Cell Surface Proteins from Mammalian Cells," <i>Biochem. Biophys. Res. Comm.</i> 281:993-1000, Academic Press (March 2001)
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AR	<u>14</u>	Rosano, C., <i>et al.</i> , "The X-ray three-dimensional structure of avidin," <i>Biomol. Eng.</i> 16:5-12, Elsevier Science B.V. (1999)
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AR	17	Schwarz, E., <i>et al.</i> , "The Sodium Ion Translocating Oxalacetate Decarboxylase of <i>Klebsiella pneumoniae</i> ," <i>J. Biol. Chem.</i> 263:9640-9645, The American Society for Biochemistry and Molecular Biology, Inc. (1988)
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AR	<u>18</u>	Studier, F.W., and Moffatt, B.A., "Use of Bacteriophage T7 RNA Polymerase to Direct Selective High-level Expression of Cloned Genes," <i>J. Mol. Biol.</i> 189:113-130, Academic Press, Ltd. (London) Ltd. (1986)
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	AR	<u>19</u>	Watson, J.D., <i>et al.</i> , "Transferring Genes into Mammalian Cells," in <i>Recombinant DNA</i> , 2nd ed., Watson, J.D., <i>et al.</i> , eds., W.H. Freeman and Company, New York, NY, pp. 213-234 (1992)
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AR	<u>20</u>	Zhang, H.L., <i>et al.</i> , "Escherichia coli DNA Topoisomerase III Is a Site-specific DNA Binding Protein That Binds Asymmetrically to Its Cleavage Site," <i>J. Biol. Chem.</i> 270:23700-23705, The American Society for Biochemistry and Molecular Biology, Inc. (1995)
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	AR	<u>21</u>	Copy of co-pending U.S. Application No. 09/438,358, inventors Gerard <i>et al.</i> , filed on November 12, 1999
	AS	<u>21</u>	Copy of co-pending U.S. Application No. 09/517,466, inventors Hartley <i>et al.</i> , filed on March 2, 2000
	AT	<u>21</u>	Copy of co-pending U.S. Application No. 09/695,065, inventors Brasch <i>et al.</i> filed on October 25, 2000

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